IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 18.12.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.1786 of 2002
& WAMP No.3077 of 2002

S.Somasundaram Mudaliar ... Appellant/Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Vellore District.

2.The Tahsildar,
Taluk Office,
Arakkonam Taluk,
Vellore District.

3.The Inspector of Police,
Banavaram Circle at Nemili,
Nemili Village, Arakkonam Taluk,
Vellore District. .. Respondents/Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 23.04.2002 made in W.P.No.10883 of 2002 filed under Section 226 of the Constitution of India, to issue Mandamus forbearing the respondents from permitting third parties to enjoy fishery rights in Punnai Village Lake situated in Survey No.349 of Punnai Village in Violation of the patta granted in favour of pattadar.

For Appellant : No appearance

For respondents : Mr.Edwin Prabhakaran,
Govt. Advocate

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 23.04.2002 made in W.P.No.10883 of 2002.

2. The petitioner/appellant had approached this Court to issue a Writ of Mandamus forbearing the respondents from permitting third parties to enjoy fishery rights in Punnai Village lake situated in survey No.349 of Punnai Village in violation of the patta granted in favour of the pattadar.

3. The learned single Judge, after finding that the petitioner has not furnished sufficient materials and holding that there cannot be any mandamus as claimed, has dismissed the writ petition. The learned single Judge further observed that such a disputed right cannot be decided in the writ petition and permitted the petitioner to work out his remedy before the Civil Court. On going through the factual details, we are in entire agreement with the said conclusion arrived at by the learned single Judge. Consequently, the writ appeal fails and the same is dismissed. No costs. WAMP No.3077 of 2002 is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The District Collector,
Collectorate Office,
Vellore District.

2.The Tahsildar,
Taluk Office,
Arakkonam Taluk,
Vellore District.

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3.The Inspector of Police,
Banavaram Circle at Nemili,
Nemili Village, Arakkonam Taluk,
Vellore District.

+ 1 CC to the Government Pleader SR NO 63440

W.A.No.1786 of 2002

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